



DEPARTMENT OF ENVIRONMENTAL PROTECTION

Monthly Enforcement Report for actions during August 2007

DISTRIBUTED: September 7, 2007

This report has been prepared to satisfy a statutory obligation DEP has to inform the public of certain enforcement resolutions. This report does not include summaries of the hundreds of compliance related activities occurring every month because it is impractical to capture a sampling of those activities that would be representative of that work. Please contact Peter Carney at (207) 287-4305 or Peter.J.Carney@Maine.gov for additional information regarding the activities listed in this report.

The following cases were resolved to achieve compliance with the law; remediate environmental damage; restore natural resources to appropriate conditions; and impose and deter similar actions in the future.

Administrative Consent Agreements Approved by the Board of Environmental Protection and Department of the Attorney General (violator followed by location of violation):

Air:

Ecomaine, Portland, Maine. Ecomaine violated provisions of its Department-issued air emission license and the Department's rules for *Emission Limitations and Emission Testing of Resource Recovery Facilities*. Following submission of mandatory reports, the Department documented that Ecomaine had periodically exceeded license standards for opacity, carbon monoxide, electrostatic precipitator inlet temperature, and failed to meet requirements for minimum carbon mass feed rate while conducting stack testing. To resolve the violations, Ecomaine will pay \$28,446.00 as a civil monetary penalty. Of the \$28,446.00 total penalty, \$5,693.00 has been paid to the State, and the balance of \$22,773.00 will be paid to conduct a Supplemental Environmental Project which will consist of undertaking a mercury continuous emissions monitor study.

Land:

Sargent Holdings, LLC, Harrison, Maine. Sargent Holdings, LLC ("Sargent Holdings") violated provisions of Maine's *Stormwater Management* law at a location in Harrison. Sargent Holdings started construction of a proposed project that included one acre or more of disturbed area without first obtaining a permit from the Department. Specifically, Sargent Holdings began construction of a subdivision road without a required permit. Following Department involvement, Sargent Holdings acquired the necessary permit. To resolve the violation, Sargent Holdings paid \$3,275.00 as a civil monetary penalty.

Sargent Gravel, LLC, Harrison, Maine. Sargent Gravel, LLC ("Sargent Gravel") violated provisions of Maine's *Stormwater Management* law at a location in Harrison. Sargent Gravel started construction of a proposed project that included one acre or more of disturbed area without first obtaining a permit from the Department. Specifically, Sargent Gravel conducted quarrying and gravel mining thereby disturbing approximately four acres of land without a permit. Following Department involvement, Sargent Gravel acquired the necessary permit. To resolve the violation, Sargent Gravel paid \$2,635.00 as a civil monetary penalty.

Applied Forestry, Inc., Kingfield, Maine. Applied Forestry, Inc. ("Applied Forestry") violated provisions of Maine's *Stormwater Management* law by constructing a project that includes one or more acres of impervious area without first obtaining a permit from the Department. Specifically, Applied Forestry constructed a residential subdivision which included impervious area of approximately two acres. Following Department involvement, Applied Forestry applied for the necessary permit and the application is under review by the Department. To resolve the violation, Applied Forestry agreed if the after-the-fact permit application is approved by the Department to immediately comply with all terms and conditions of the after-the-fact permit. In the event that the after-the-fact application is not approved by the Department, Applied Forestry agreed to submit a restoration plan to reduce the



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amount of new impervious surface associated with the subdivision to less than one acre. Applied Forestry paid \$2,950.00 as a civil monetary penalty.

M.L. Rogers, Inc., Standish, Maine. M.L. Rogers, Inc. ("M.L. Rogers"), a contractor acting as agent for landowners Edward and Anne Segool, violated provisions of Maine's *Natural Resources Protection Act* by not complying with the standards applicable to permits-by-rule set forth in Chapter 305 of the Department's rules while conducting a rip rap replacement project. Specifically, M.L. Rogers installed an eight foot wide set of granite stairs in an area that had been rip rap and placed rip rap below the normal high water line of Sebago Lake and beyond the extent of the original rip rap. To resolve the violations, M.L. Rogers paid \$1,000.00 as a civil monetary penalty. A separate consent agreement was entered into with the landowners which includes actions necessary to correct the violations.

Edward Segool and Anne Segool, Standish, Maine. Edward and Anne Segool (collectively "the Segool's") violated provisions of Maine's *Natural Resources Protection Act* by submitting a permit-by-rule notification to the Department for the replacement of rip rap and not complying with the standards applicable to permits-by-rule set forth in Chapter 305 of the Department's rules. Specifically, the Segool's caused its contractor, M.L. Rogers, Inc. to install an eight foot wide set of granite stairs in an area that had been rip rap and placed rip rap below the normal high water line of Sebago Lake and beyond the extent of the original rip rap. To resolve the violations, the Segool's agreed to remove the eight foot wide stairs and replace with stairs not wider than four feet and above the normal high water line, remove the rip rap extending below the normal high water line and replace with rip rap at or above the normal high water line, and agreed to paid \$1,471.00 as a civil monetary penalty. A separate consent agreement was entered into with the contractor, M.L. Rogers, Inc.

Richard Deleskey and Melissa Deleskey, New Sharon, Maine. Richard Deleskey and Melissa Deleskey (collectively "the Deleskey's") violated provisions of Maine's *Natural Resources Protection Act* and *Erosion and Sedimentation Control* law by removing vegetation and disturbing soil adjacent to a stream, bulldozing in and constructing structures in a stream, and failing to take measures to prevent unreasonable erosion of soil beyond the project site or into a protected natural resource. To resolve the violations, the Deleskey's agreed to submit a restoration plan to revegetate the disturbed area within seventy-five feet of the stream, maintain erosion controls at the site so that no more sediment from the disturbed area enters the stream from the disturbed area, and paid \$3,000.00 as a civil monetary penalty.

John Lane, Saco, Maine. John Lane ("Lane") violated provisions of Maine's *Natural Resources Protection Act* by filling 24,280 square feet of forested freshwater wetland. To resolve the violation, Lane submitted an after-the-fact permit application to retain a portion of the fill, submitted a restoration plan to restore the remainder of the wetland, and paid \$1,800.00 as a civil monetary penalty.

Oil:

Wadleigh's, Inc., Kennebunk, Maine. Wadleigh's, Inc. ("Wadleighs") violated provisions of Maine's *Oil Discharge Prevention and Pollution Control* laws ("Oil law") and the Department's *Rules for Water Quality Monitoring, Leachate Monitoring, and Waste Characterization* ("Rules") by discharging waste oil to the ground in violation of the Oil law, failing to immediately undertake to clean up a prohibited discharge to the Department's satisfaction, and failing to characterize non-recoverable oily waste in accordance with the Rules. Specifically,



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Wadleigh's discharged an unknown amount of oil to the ground while moving drums of waste oil and then attempted to recover the oil with sorbent materials which were improperly disposed of in a dumpster over the course of several months. Following Department involvement, Wadleigh's completed a limited subsurface investigation to determine if the oil release had impacted soil or groundwater at the site. The prohibited discharge was not found to be significantly impacting soil or groundwater at the site at the time of the investigation. To resolve the violations, Wadleigh's agreed to submit for the Department's review and approval a written operating procedure for spill reporting and emergency response and paid \$8,965.00 as civil monetary penalty.

Hazardous Waste:

Gack, Inc. d/b/a John's Dry Cleaning, Lewiston, Maine. Gack, Inc. d/b/a John's Dry Cleaning ("John's Dry Cleaning") violated provisions of the *Maine Hazardous Waste, Septage and Solid Waste Management Act* and the Department's rules concerning *Identification of Hazardous Wastes* and *Standards for Generators of Hazardous Waste*. An inspection conducted by the Department revealed that John's Dry Cleaning: discharged hazardous waste tetrachloroethylene contaminated water to a sink drain which flows directly to the Town of Lewiston sanitary sewer; failed to determine if wastes generated were hazardous; failed to mark containers of hazardous waste as hazardous waste and with accumulation start dates; failed to keep containers of hazardous waste closed; failed to store universal waste in containers; failed to conduct universal waste training for employees who manage universal waste; and failed to label the facility's universal waste storage area. Following Department involvement, John's Dry Cleaning provided a written response to the Department advising that it had undertaken corrective actions and management changes which included: collecting and managing tetrachloroethylene contaminated wastewater, the identification and determination of hazardous wastes, labeling and closing of hazardous waste containers, and the proper collection and management of universal wastes. To resolve the violations, John's Dry Cleaning will pay \$5,200.00 as civil monetary penalty.

District Court Enforcement Resolutions (case caption followed by location of violation):

Oil:

State of Maine, Department of Environmental Protection v. Frisbee's Supermarket, Inc., Kittery Point, Maine. In the context of a partial settlement, Frisbee's Supermarket, Inc. ("Frisbee's") agreed that it violated provisions of Maine's *Underground Oil Storage Facilities and Ground Water Protection* laws and the Department's *Rules for Underground Oil Storage Facilities*. Frisbee's failed to submit passing annual compliance inspection results for 2003, 2004, 2005, and 2006; failed to maintain electronic leak detection equipment; failed to properly abandon bare steel piping; and failed to pay annual tank registration fees for 1998, 1999, 2000, 2001, 2003, 2004, 2005, 2006, and 2007. The Department and Frisbee's resolved the injunctive relief aspects of the case, however, no agreement was reached as to a monetary penalty which issue will be considered in a later trial. Pursuant to the partial settlement, Frisbee's agreed to remove bare steel piping, submit a passing annual compliance inspection report for 2007, or in the alternative, properly abandon the facility in accordance with Department rules, and pay past due annual tank registration fees.